# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/930,484 | 08/16/2001 | Lauri Paatero | 017.40089X00 | 9930 |

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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
|---|---|
| 2173 | 9 |

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | **Application No.** | | **Applicant(s)** |
|---|---|---|---|
| ● **Office Action Summary** ● | 09/930,484 | | PAATERO ET AL. |
| | **Examiner** | | **Art Unit** |
| | Kieu D Vu | | 2173 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>24 February 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-9 and 11-37* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 11-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

BA HUYNH
PRIMARY EXAMINER

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

1.    The substitute specification filed on 02/24/04 is approved.

### *Claim Objections*

2.    Claim 16 is objected to because of the following informalities:

Line 3, "the said" shows redundancy. Either "the" or "said" should be deleted from

the claim.

### *Claim Rejections - 35 USC § 112*

3.    The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.    Claims 11 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claim 11 recites the limitation "the browser" in line 2 of the claim.  There is

insufficient antecedent basis for this limitation in the claim.

Claim 34 contains the trademark/trade name "Bluetooth" connection.  Where a

trademark or trade name is used in a claim as a limitation to identify or describe a

particular material or product, the claim does not comply with the requirements of 35

U.S.C. 112, second paragraph.  See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App.

1982).  The claim scope is uncertain since the trademark or trade name cannot be used

properly to identify any particular material or product.  A trademark or trade name is

used to identify a source of goods, and not the goods themselves.  Thus, a trademark or

trade name does not identify or describe the goods associated with the trademark or

trade name. In the present case, the trademark/trade name is used to identify/describe

a type of connection and, accordingly, the identification/description is indefinite.

### *Claim Rejections - 35 USC § 103*

5.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.      Claims 1-2, 4-9, 11-14, 17, 19-20, 22-24, 27-29, 31, 33-37 are rejected under 35

U.S.C. 103(a) as being unpatentable over Straub et al ("Straub", USP 6091411) and

Evans et al (USP 6650889).

Regarding claim 1, Straub teaches a method of a skin (theme in abstract) for a

user interface of a communication device (computer; Fig. 2) with the user interface

being variable to vary display of data on a display of the device (themed enhancements

to GUI; col 3, lines 45-52) comprising providing a data file including information defining

characteristics of the skin (theme) for the user interface (file of lines 8-10 in col 7),

providing a markup language style sheet (style sheets in hypertext pages; col 4, lines 8-

11) describing a manner in which data is to be displayed on a display device and

obtaining a skin file by transforming the data file into a markup language document

according to the markup language style sheet and providing the markup language

document to a user interface application to cause the display of the data on the display

(col 4, lines 5-20). Straub differs from the claim in that Straub does teach that the

communication device is a mobile device. However, such feature is known in the art as

taught by Evans. Evans teaches a mobile communication system with browser application (abstract) which enables the skin (theme) selection (col 11, lines 8-14). It would have been obvious to one of ordinary skill in the art, having the teaching of Straub and Evans before him at the time the invention was made, to apply the theme downloading system taught by Straub in mobile communication system taught by Evans with the motivation being to enable the system to generate theme (skin) for a mobile communication system.

Regarding claims 2 and 4, Straub teaches that the data file and the markup language style sheet is stored in a server (col 4, lines 21-37).

Regarding claim 5, Straub teaches that the markup language style sheet is selected by the server from among a plurality of markup language style sheets (lines 9-12 and lines 30-33 in col. 4)).

Regarding claim 6, Straub teaches that the markup language style sheet is selected on the basis of information indicating the type of device (col 6, lines 55-65).

Regarding claim 7, Straub teaches that the transformation is performed in the server (col 7, lines 32-40).

Regarding claim 8, Straub teaches the data file includes information defining display elements of the skin (col 6, lines 55-59).

Regarding claim 9, Straub teaches that the browser downloads the required skin data from the network (col 7, lines 31-40).

Regarding claim 11, Straub teaches the device includes a browser (col 15, lines 7-17).

Regarding claim 12, Straub teaches a processor (CPU in Fig. 1) and the

transforming the data file according to the markup language style sheet (col 4, lines 8-

11).

Regarding claims 13 and 37, Straub teaches a communication device

(computer) comprising a transmitter/receiver circuit adapted to send and receive data

over a network (see Fig. 2), operating system software (Fig. 1; col 7, lines 11-15);

plurality of software applications interacting with said operating system software using a

set of software components (col 7,lines 50-55), a variable a user interface (Fig. 2), said

user interface including at least a display which is varied by the variable interface (col 3,

lines 49-56) wherein at least one of said plurality of software applications (theme

software) utilizes said user interface, including the display of data on said display,

wherein said device is adapted to receive data through said transmitter/receiver circuit

(col 6, lines 7-26), said data defining a skin (theme) for elements of said user interface

and wherein said data displayed by said at least one of said plurality of software

applications is displayed (col 7, lines 50-59). Straub differs from the claim in that Straub

does teach that the communication device is a mobile. However, such feature is known

in the art as taught by Evans. Evans teaches a mobile communication system with

browser application (abstract) which enables the skin (theme) selection (col 11, lines 8-

14). It would have been obvious to one of ordinary skill in the art, having the teaching of

Straub and Evans before him at the time the invention was made, to apply the theme

downloading system taught by Straub in mobile communication system taught by Evans

with the motivation being to enable the system to generate theme (skin) for a mobile communication system.

Regarding claim 14, Straub teaches a browser or other software application (theme software) adapted to receive markup language documents and render said documents on said display (col 7, lines 50-59).

Regarding claim 19, Straub teaches that the operating system software is adapted to prepare a skin file from said data defining a skin for elements of said user interface (col 7, lines 8-11).

Regarding claim 20, Straub teaches a plurality of software applications display data use said skin file (theme file) made available by said operating system software (col 7, lines 8-15).

Regarding claim 17, Straub teaches the rendering markup language documents on said screen (col 7, lines 31-40).

Regarding claim 22, Straub teaches the accepting a plurality of exchangeable covers (col 8, lines 8-14).

Regarding claims 27 and 31, Straub teaches the providing skin file (theme file) for software application (col 7, lines 53-55).

Regarding claims 28 and 35, Straub teaches the skin file is translated for user interface application (col 10, lines 32-49).

Regarding claims 29 and 33, Straub teaches the providing the same user interface theme across all software application (when the theme is not changed).

Regarding claim 23, Straub teaches the skin file is provided for purchase (line 59 of col 12 to line 2 of col 13.

Regarding claim 24, it is inherent that when Straub teaches the purchasing skin file from vendor (lines 65-66 of col 12), there should be arrangement payment for the file.

Regarding claim 36, Straub teaches a server for providing of a skin file (theme in abstract) for a user interface of a communication device (computer; Fig. 2), comprising requesting for the skin for the variable user interface (col 7, lines 52-59), providing skin file including information defining characteristics of the skin (col 7, lines 8-10), transmitting information related to skin file to the communication device for use by a user interface application of the device to display data on the display of the device (col 7, lines 32-40). Straub differs from the claim in that Straub does teach that the communication device is a mobile device. However, such feature is known in the art as taught by Evans. Evans teaches a mobile communication system with browser application (abstract) which enables the skin (theme) selection (col 11, lines 8-14). It would have been obvious to one of ordinary skill in the art, having the teaching of Straub and Evans before him at the time the invention was made, to apply the theme downloading system taught by Straub in mobile communication system taught by Evans with the motivation being to enable the system to generate theme (skin) for a mobile communication system.

7.      Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Straub, Evans, and Kung (USP 6718182).

Regarding claim 34, Straub and Evans do not teach the data is received via

Bluetooth connection. However, the use of Bluetooth connection in communication for

low-cost, short-range links is known in the art. For example, Kung teaches a mobile

device (cellular phone) which uses Bluetooth connection as wireless connection (col 5,

lines 29-35). It would have been obvious to one of ordinary skill in the art, having the

teaching of Straub, Evans, and Kung before him at the time the invention was made, to

apply the Bluetooth connection in Kung in the theme downloading system taught by

Straub and Evans with the motivation being to reduce cost in connection.

8.      Claims 3, 18, and 21, 25-26, 32 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Straub, Evans, and Stefik et al ("Stefik", EP 0715246 A1).

Regarding claims 3 and 18, Straub does not teach the preventing copying the

skin file. However, such feature is known in the art as taught by Stefik. Stefik teaches a

system for controlling the distribution and use of composite digital work which comprises

the preventing copying materials (page 2, lines 21-24). It would have been obvious to

one of ordinary skill in the art, having the teaching of Straub and Stefik before him at the

time the invention was made, to modify the theme download method taught by Straub to

include the copy protection taught by Stefik with the motivation being to enable the

system to prevent the unauthorized copy of the file.

Regarding claim 21, Straub does not teach the including a digital rights

management component and the use of said skin file is restricted according to said

digital rights management component. However, such feature is known in the art as

taught by Stefik. Stefik teaches a system for controlling the distribution and use of

composite digital work which comprises a digital rights management component (page 5, lines 13-19). It would have been obvious to one of ordinary skill in the art, having the teaching of Straub and Stefik before him at the time the invention was made, to apply the theme download method taught by Straub to include a digital rights management component taught by Stefik with the motivation being to enable the system to prevent the unauthorized copy of the file.

Regarding claims 25-26 and 32, Stefik teaches the digital right management (line 52 of page 2 to line 2 of page 3).

9.      Claims 15-16 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Straub, Evans, and Bayeh et al ("Bayeh", USP 6012098)

Regarding claims 15-16, Straub does not teach the receiving and rendering XML documents on the display. However, such feature is known in the art as taught by Bayeh. Bayeh teaches a system for using servlets to isolate the retrieval of data which comprises the formatting data using XML (abstract). It would have been obvious to one of ordinary skill in the art, having the teaching of Straub and Bayeh before him at the time the invention was made, to apply the theme download method taught by Straub to include the use of XML to format data taught by Bayeh with the motivation being to enable the system to use different markup languages to render the display.

Regarding claim 30, Straub does not teach the transformation by a XML Style Language Transformation. However, such feature is known in the art as taught by Bayeh. Bayeh teaches a system for using servlets to isolate the retrieval of data which comprises the formatting data using XML (abstract). It would have been obvious to one

of ordinary skill in the art, having the teaching of Straub and Bayeh before him at the

time the invention was made, to apply the theme download method taught by Straub to

include the use of XML to format (transform) data taught by Bayeh with the motivation

being to enable the system to use different markup languages to render the display.

10.    Response to Applicant's arguments:

Applicant's arguments regarding the teaching of Hill and Miloslavsky are moot

under new ground of rejection.

In response to Applicant's argument that Stefik does teaches claims 3 and 19, it

is noted that line 58 page 2, the text "if access to all the individual digital works cannot

be granted..." means the file is protected.

Applicant's argument regarding Bayeh teaching is moot under new ground of

rejection since this argument is based on Hill and Miloslavsky for claim 13 and 14. As

mentioned above, Applicant's arguments regarding the teaching of Hill and Miloslavsky

are moot under new ground of rejection.

11.    Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

12.    Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232).

The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding

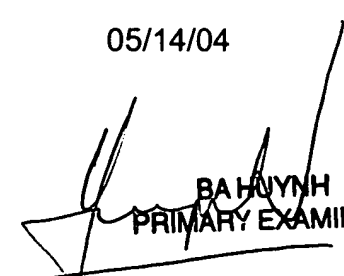is assigned are as follows:

(703)-872-9306

and / or:

(703)-746-5639       (use this FAX #, only after approval by Examiner, for

"INFORMAL" or "DRAFT" communication. Examiners may request that a formal

paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703-305-

3900).

Kieu D. Vu

05/14/04

BA HUYNH
PRIMARY EXAMINER